

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SERAJUL HAQUE,
Plaintiff,
v.
ATTORNEY GENERAL OF THE UNITED
STATES, and others,
Defendants.

Case No. 14-cv-04600 NC

**ORDER STRIKING IMPROPER
FILING**

Dkt. No. 70

ATTORNEY GENERAL OF THE UNITED STATES, and others,

Defendants.

One day after this Court issued an order admonishing plaintiff against further improper filings, Dkt. No. 68, plaintiff submitted another filing, Dkt. No. 70, that is incomprehensible and not a proper request for Court order in compliance with Civil Local Rule 7-1(a). The Court orders Dkt. No. 70 stricken from the record. Plaintiff is admonished again that any future improper filings will be stricken from the record and may result in sanctions against plaintiff.

On January 16, 2015, plaintiff also filed a notice of appeal from the Court's January 15 order granting the federal defendants' motion for more time to file their opposition to plaintiff's motion for summary judgment, denying plaintiff's motion for fees and costs, and ordering plaintiff to cease improper filings. Dkt. No. 71. While, as a general rule, a proper notice of appeal transfers jurisdiction of a case from the district court to a court of appeals,

1 the filing of an appeal from a non-appealable order does not divest the district court of
2 jurisdiction. *Ruby v. Sec'y of U. S. Navy*, 365 F.2d 385, 388-89 (9th Cir. 1966). Here,
3 plaintiff's filing of an appeal is from a non-appealable order and, therefore, does not divest
4 the District Court of jurisdiction.

5 IT IS SO ORDERED.

6 Date: January 20, 2015


7 Nathanael M. Cousins
8 United States Magistrate Judge

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